

08/377,449

JFW

September 8, 2010

Patrick Smith
12335 Santa Monica Blvd.
Los Angeles, CA 90025

Robert Stoll, Commissioner for Patents
United States Patent and Trademark Office
PO BOX 1450
Arlington, VA 22313-1450

Re: Freedom of Information Act violation

Dear Commissioner Stoll:

President Obama defines FOIA, "For too long now there's been too much secrecy, old rules said if there was a defensible argument for not disclosing something, it should not be disclosed" and "That era is now over" But Commerce Dept. and Patent Office ignore President's declaration.

See enclosed, Office of the General Counsel-US Patent Office letter of July 16, 2010 quoting my request for information re. 02-14-1997 CTMS as described on "USPTO Available Documents" in letter to Patent Commissioner Robert Stoll, I said "I want to know what 02-04-1997 means"

The Office of General Counsel denied my request for information stating the following reasons:

1. It was concluded that the letter fails to adequately describe records or a system of records."

See enclosed USPTO "Available Documents" specifically 02-04-1997 CTMS (record requested)
My request for information is described as 02-04-1997 I copied PTO description of document.

PTO denies my request "inadequate description" regardless that I copied PTO own description.

2. PTO letter of July 16, 2010 continues: "Accordingly your letter may not be processed as FOIA"

3. PTO letter of July 16 continues: "It is unclear what records you are seeking" (I copied them)

4. "the letter does not provide information to permit agency to formulate a reasonable search"

PTO being sacrosanct like the Catholic church, also believes denial and concealment works best.

Sincerely,



Patrick Smith

cc: President Barack Obama
cc: Gary F. Locke, DOC
cc: David J. Kappos, DOC

Available Documents

Mail Room Date	Document Code	Document Description	Page Count	
12-10-2008	DC.CV.DIS	<u>Decision in Civil Action - Dismissed</u>	1	<input type="checkbox"/>
10-17-2008	SOL.NTC.SUIT	<u>Report on the filing or determination of an action regarding a patent.</u>	10	<input type="checkbox"/>
12-21-2005	CTMS	<u>Miscellaneous Action with SSP</u>	1	<input type="checkbox"/>
06-14-2005	PETDEC	<u>Petition Decision</u>	4	<input type="checkbox"/>
05-24-2005	LET.	<u>Miscellaneous Incoming Letter</u>	9	<input type="checkbox"/>
03-24-2005	PETDEC	<u>Petition Decision</u>	3	<input type="checkbox"/>
03-14-2005	LET.	<u>Miscellaneous Incoming Letter</u>	14	<input type="checkbox"/>
03-09-2005	CTMS	<u>Miscellaneous Action with SSP</u>	1	<input type="checkbox"/>
02-14-2005	LET.	<u>Miscellaneous Incoming Letter</u>	4	<input type="checkbox"/>
03-13-2001	PETDEC	<u>Petition Decision</u>	1	<input type="checkbox"/>
03-13-2001	IMIS	<u>Miscellaneous Internal Document</u>	1	<input type="checkbox"/>
03-08-2001	PET.OP	<u>Petition for review by the Office of Petitions.</u>	9	<input type="checkbox"/>
02-16-2001	PET.OP	<u>Petition for review by the Office of Petitions.</u>	24	<input type="checkbox"/>
02-13-2001	PET.OP	<u>Petition for review by the Office of Petitions.</u>	24	<input type="checkbox"/>
02-03-1998	CTMS	<u>Miscellaneous Action with SSP</u>	2	<input type="checkbox"/>
01-05-1998	COCIN	<u>Request for Certificate of Correction</u>	4	<input type="checkbox"/>
02-04-1997	CTMS	<u>Miscellaneous Action with SSP</u>	1	<input type="checkbox"/>
10-08-1996	LET.	<u>Miscellaneous Incoming Letter</u>	1	<input type="checkbox"/>
10-08-1996	DRW	<u>Drawings-only black and white line drawings</u>	6	<input type="checkbox"/>
09-30-1996	IFEE	<u>Issue Fee Payment (PTO-85B)</u>	1	<input type="checkbox"/>
09-30-1996	LET.	<u>Miscellaneous Incoming Letter</u>	1	<input type="checkbox"/>
09-25-1996	NOA	<u>Notice of Allowance and Fees Due (PTOL-85)</u>	2	<input type="checkbox"/>
06-23-1996	A...	<u>Amendment/Req. Reconsideration-After Non-Final Reject</u>	2	<input type="checkbox"/>
08-29-1996	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	1	<input type="checkbox"/>
05-31-1996	CTFR	<u>Final Rejection</u>	4	<input type="checkbox"/>
05-17-1996	CTMS	<u>Miscellaneous Action with SSP</u>	1	<input type="checkbox"/>
04-29-1996	A...	<u>Amendment/Req. Reconsideration-After Non-Final Reject</u>	1	<input type="checkbox"/>
04-29-1996	CLM	<u>Claims</u>	6	<input type="checkbox"/>
04-29-1996	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	2	<input type="checkbox"/>
04-29-1996	SPEC	<u>Specification</u>	17	<input type="checkbox"/>
04-29-1996	CLM	<u>Claims</u>	8	<input type="checkbox"/>
04-29-1996	ABST	<u>Abstract</u>	1	<input type="checkbox"/>
04-29-1996	LET	<u>Miscellaneous</u>	1	<input type="checkbox"/>



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF THE GENERAL COUNSEL

July 16, 2010

Mr. Patrick Smith
12335 Santa Monica Blvd.
Los Angeles, CA 90025

Re: Freedom of Information Act (FOIA) Request No. F-10-00198

Dear Mr. Smith:

The United States Patent and Trademark Office (USPTO) received a copy of your letter addressed to Robert Stoll, Commissioner for Patents, wherein you requested "I want to know what 02-04-19978 means, how it relates to me...."

It was concluded that the letter fails to adequately describe records or a system of records.

The Freedom of Information Act (FOIA) is a means by which members of the public can obtain Agency records in existence at the time of the request. It cannot provide answers to questions or create new records in order to respond to FOIA requests. Accordingly, your letter may not be processed as FOIA request. See Hudgins v. Internal Revenue Service, 620 F. Supp. 19, 21 (D.D.C. 1985).

Moreover, the FOIA statute requires that a requestor must reasonably describe the records sought. See 5 U.S.C. § 552(a)(3)(A). Courts have held that a "reasonably described" record is one that enables an agency employee familiar with the subject matter of the request to identify responsive records with a "reasonable amount of effort." See Brumley v. United States Department of Labor, 767 F.2d 444, 445 (8th Cir. 1985); Goland v. CIA, 607 F.2d 339, 353 (D.C. Cir. 1978); Marks v. United States Department of Justice, 578 F.2d, 261, 263 (9th Cir. 1978). The burden of adequately describing a record lay with the requestor, not the Agency.

It is unclear as to what, if any records you are seeking. It simply asserts a question, requiring the Agency to formulate an answer. The FOIA is for the production of federal records that are in existence at the time of a given request only. It is not a means through which members of the public may interrogate agencies. Nor are agencies required to create to new records in response to FOIA requests styled as questions.

The letter does not provide sufficient information to permit the agency to formulate a reasonable search for responsive documents. Accordingly, it will not be processed as a FOIA request. See 37 C.F.R. § 102.4(b). You are advised to submit a new FOIA request, with adequate search parameters that will assist the Agency in identifying responsive records.

Processing costs did not exceed \$20.00, applicable fees are waived. See 37 C.F.R. § 102.11(d)(4).

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Fawcett', with a long horizontal stroke extending to the right.

Robert Fawcett
FOIA Officer



US005598947A

United States Patent [19]

Smith

[11] Patent Number: **5,598,947**[45] Date of Patent: **Feb. 4, 1997**[54] **AUTOMATIC HOT FOOD VENDING MACHINE**[76] Inventor: **Patrick Smith, 7726 W. Norton Ave.,
Los Angeles, Calif. 90046**[21] Appl. No.: **377,449**[22] Filed: **Jan. 24, 1995**[51] Int. Cl.⁶ **B65D 83/00**[52] U.S. Cl. **221/150 HC; 221/150 A;
221/150 R; 221/2; 221/263; 221/265; 221/203**[58] Field of Search **221/150 A, 150 HC,
221/150 R, 263, 264, 265, 224, 225, 2,
200, 203; 194/206, 207, 217; 99/357**[56] **References Cited****U.S. PATENT DOCUMENTS**

3,186,531	6/1965	Adams	194/206
3,224,643	12/1965	White	221/150 A
3,534,676	10/1970	Rubino	221/150 HC X
3,841,456	10/1974	Levasseur	194/217
4,225,056	9/1980	Flubacker	221/2
5,201,395	4/1993	Takizawa et al.	194/206

Primary Examiner—William E. Terrell*Assistant Examiner*—Khoi H. Tran*Attorney, Agent, or Firm*—Blakely, Sokoloff, Taylor & Zafman[57] **ABSTRACT**

The unattended machine has a hopper for holding an inventory of uniformly-sized, individual, frozen or refrigerated portions of food and for maintaining the inventory in a frozen or refrigerated condition. Insertion into the machine of a genuine dollar bill is verified by an electro-optical mechanism which signals control and monitor circuitry to initiate food preparation by causing a microwave oven below the hopper to open and rotate into a food-receiving position below a dispenser, located below the hopper, which then dispenses an individual portion of food into the oven by gravity. The oven then rotates to a horizontal cooking position and closes its door, where the portion is heated by microwave energy for a pre-determined length of time. Upon completion of heating, the oven door is opened and the oven tilted downward and the heated portion of food is dispensed by gravity through an opening or port in the machine. Circuitry is provided for monitoring progress of the preparation and delivery cycle and for refunding purchase price in the event the machine is empty or a malfunction occurs. Additionally, the machine may be adapted for monitoring and recording machine status and for notifying a remote location telephonically of problems or maintenance needs.

9 Claims, 6 Drawing Sheets